IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.27 OF 2006
IN
SECOND APPEAL NO.12 OF 2006

Smt Shantabai Vithu Sawant ...Applicant
Vs.
Shri Laxman Tukaram Sawant & Ors. ...Respondents

Mr G.N. Salunkhe for the Applicant.
Mr Bhimrao A. Pawar for the Respondent Nos.1 to 5.

CORAM : A. S. OKA, J.
DATE : MARCH 09, 2006.

P.C.:

1. Rule. The Respondents waive service. Taken up for hearing forthwith. The learned Advocate appearing for the Applicant submitted that during the pendency of the suit and during the pendency of the Appeal, the possession of the Applicant/ Appellant was protected by an order of temporary injunction. The learned Advocate for the Respondent opposed the prayer made in this Application by pointing out that both the courts have recorded concurrent finding that the Appellant has failed to establish her exclusive possession. He submitted that after having lost in both the courts below the Applicant is not entitled to claim injunction as prayed in this Application.

2. I have considered the submissions. The courts below have recorded a concurrent finding that the

Applicant/Appellant has failed to establish her exclusive possession. However, there is a concurrent finding that both the parties are in joint possession of the suit property. In view of the said findings of fact recorded by the courts below, injunction as prayed by the Applicant cannot be granted. Interests of justice will be served if till the final disposal of the Appeal both the parties are directed to maintain status-quo in respect of the suit property.

3. Hence, Civil Application is disposed of by directing that both the parties will maintain status-quo as of today in respect of the suit property till the final disposal of the Second Appeal.

JUDGE